

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

IN THE MATTER OF THE PETITION

OF

NEW YORK CITY BOAT TOURS, LLC AND EDWARD  
MATTIACE, as Owner of the 36' uninspected passenger vessel  
"HONCHO" bearing Hull Number HEB000696585

Petitioners,

X

HEIDI VERMANDEL, INDIVIDUALLY, AND AS THE  
PERSONAL REPRESENTATIVE OF THE ESTATE OF  
JOHNNY BEERNAERT FOR AND ON BEHALF OF  
HERSELF, SYBREN BRENT BEERNAERT AND IENSE  
CARO BEERNAERT, WHO ARE THE SURVIVING HEIRS  
OF JOHNNY BEERNAERT,

Third-Party Plaintiffs,

**STIPULATION AND ORDER  
OF DISMISSAL**

1:22-cv-07383 (NGG)(LB)

V.

THE CITY OF NEW YORK,

Third-Party Defendant.

-----X

CLAIM BY THOMAS WALLER AND TARA WALLER

Claimants

-----X

**WHEREAS**, the parties have reached a settlement agreement and now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault and liability;

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, that:

1. The above-referenced actions<sup>1</sup> are hereby dismissed with prejudice; and
2. Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties as set forth in the Stipulation of Settlement executed by the parties in this matter.

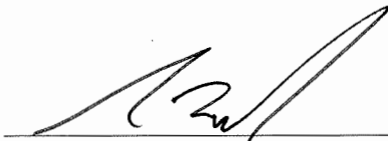
*Facsimiles of signatures shall be deemed originals.*

Dated: New York, New York  
February 13, 2025

/s/ Paul T. Hofmann

**PAUL T. HOFMANN, ESQ.**

Hofman & Schweitzer  
Attorneys for Heidi Vermandel, Individually,  
and as the personal representative of the Estate  
of Johnny Beernaert for and on behalf of  
herself, Sybren Brent Beernaert and Iense Caro  
Beernaert, who are the surviving heirs of  
Johnny Beernaert  
212 West 35<sup>th</sup> Street  
New York, New York 10001



**GUERRIC S.D.L. RUSSEL**

Nicoletti Hornig & Sweeney  
Attorneys for Petitioners NEW YORK CITY  
BOAT TOURS, LLC AND EDWARD  
MATTIACE, as Owner of the 36' uninspected  
passenger vessel "HONCHO" bearing Hull  
Number HEB000696585  
88 Pine Street, 7<sup>th</sup> Floor  
New York, New York 10005-1801

/s/ Michelle L. Moshe

**MURIEL GOODE-TRUFANT**

Corporation Counsel of the City of New York  
Attorneys for Third-Party Defendant  
THE CITY OF NEW YORK AS OWNER  
AND OPERATOR OF THE MARINE 1  
BRAVO  
100 Church Street  
New York, New York 10007  
By: \_\_\_\_\_

*Frank V. Floriani*

**FRANK V. FLORIANI**

Sullivan Papain Block McGrath Coffinas &  
Cannavo, P.C.  
Attorneys for Claimant/Respondent Thomas  
Waller and Tara Waller  
120 Broadway  
New York, New York 10271

<sup>1</sup> This includes the claim made by Thomas Waller and Tara Waller (ECF Doc. 15) and any and all claims by Sybren Brent Beernaert and Iense Caro Beernaert.